THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16667 OF 2007

ORAL ORDER:

The 2nd respondent-Devasthanam issued auction notice dated 20.7.2007 inviting tenders for grant of right to collect the human hair. The writ petitioner, who offered Rs.38.45 lakhs was declared as the highest bidder. As per the conditions of auction, the successful bidder has to pay 25% immediately after auction. Out of the balance, 50% has to be paid within 25 days and the remaining 25% should be paid within 5 months. The petitioner claims that since it was 3.00 p.m. by the time the auction was completed, at his request the 2nd respondent - Temple permitted him to remit the 25% on the next day. Accordingly, he obtained a DD and wanted to pay the same on the next day. However, to his surprise, it was found that the lease was granted in favour of the 3rd respondent herein, who was the second highest bidder. Aggrieved by the said action of the 2nd respondent-Temple, this writ petition is filed.

I have heard the learned counsel for the petitioner as well as the learned counsel appearing for the 2nd respondent and the 3rd respondent.

It is not in dispute that as per the terms and conditions of the auction, the highest bidder is required to deposit 25% of the bid amount immediately. Admittedly, the petitioner did not deposit 25% of the bid amount on the date of the auction. Though the petitioner pleaded that he was permitted by the 2nd respondent to remit the said amount the next day, the learned counsel appearing for the 2nd respondent under instructions stated that the petitioner gave a letter on 20.7.2007 itself expressing his inability to pay 25% of the bid amount and requesting the 2nd respondent to refund the deposit after deducting Rs.2.00 lakhs paid towards deposit. A copy of the said letter

dated 20.7.2007 has been placed before this Court. Thus, it is clear that the petitioner failed to comply with the terms and conditions of the auction. If that be so, the action of the 2nd respondent in granting the lease in favour of the next highest bidder cannot be held to be either arbitrary or illegal.

However, the learned counsel for the petitioner contended that the letter dated 20.7.2007 said to have been given by the petitioner is not genuine and cannot be taken into consideration. Such a disputed question of fact cannot be enquired into and decided by this Court in a writ proceeding. In case the petitioner is aggrieved, it is open to him to work out the appropriate common law remedy for redressal of his grievance.

Accordingly, granting leave and liberty, the writ petition is dismissed. No costs.

.

(G. ROHINI, J.)

6th August, 2007.
Issue CC in two days.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16667 OF 2007

6th August, 2007.

Between:

K. Saibaba. .. Petitioner.

And

The Endowments Department,
represented by its Commissioner,
Tilak Road, Hyderabad and others. .. Respondents.